O. B. 66.

91

Department of [illegible]

OFFICE [illegible]

STATION [illegible]

[illegible] **No.** 2310

Dated 22 10. 25

To whom sent

Pages in the file

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(SUBJECT.)

[illegible] additional [illegible]

* Not to be filled in in the case of permanent records.

4,73,311—8—16

B3973

R.O.C.No.5160-25-A6.

South Kanara Collector's Office,
Mangalore, 6th September 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
Madras.

Sir,

Assignment - Housesites - South Kanara - Karkal Town - Government clerks - Issue of pattas - Condition to be imposed.

p 3 (W) B.P.Mis.No.1872 L.R.& Sett., dated 22nd August 1925.

******

pp 1-2 (W) In my letter R.O.C.No.5160-25-A6 dated 10th July 1925 on which the Board's proceedings quoted above were passed, I intended that the additional condition referred to therein should be made applicable also to the grants to be made to clerks under G.O.No.1881 Mis.Rev. dated 19th August 1921 in addition to the conditions imposed therein. I therefore recommend that the Board may be pleased to sanction the insertion of the additional condition proposed in my letter R.O.C.No.5160-25-A6 dated 10th July 1925 referred to above, in the pattas to be granted to clerks in respect of the assignments made to them under G.O.No.1881 Mis.Rev. dated 19th August 1921 communicated with B.P.No.964 Mis.L.Rev. dated 29th August 1921. The additional condition referred to may be worded as follows:- "Alienation without the previous "consent in writing of the Board or of the Collector to a "person other than a Government official stationed at Karkal "shall invalidate the grant and the Government shall have the "right to re-enter forthwith and take possession of the said "site or site and building".

end of letter at p. 2 of in (W)

pp 7-8 (W)

pp 1-7 (W)

p 9 (IV)

Your obedient servant,

For Collector.

7 SEP 1925

M.D'S.7/9.

7-9-25

Assignment - house-sites (South Kanara) Karkal tk and town - Govt clerks - pattas - additional condition

Ⓝ

B.3973/25.Q

Refce B 3973/25-1 of 27.8.25

In their order No 1881 Mis Rev dt 19.8.21 Govt sanctioned the assignment, free of initial payment, to Govt clerks of sites near the taluk office in Karkal town South Kanara district on condition that the land should not be alienated without the permission of the Collector, and the Collr was given power to allow alienations only by Govt officials transferred from the town and in favour of Govt officers stationed there. As an improvement, the Collr now proposes to prescribe the additional ~~con~~ restriction that any infringement of the condition shall invalidate the grant and that Govt shall have the right to reenter forthwith and take possession of the site or site and building. The addition serves to enforce the existing condition. ~~and is in accordance with the conditions usually prescribed in such cases (See B.O. to [illegible] 38)~~. The Board accordingly recommends the Collector's proposal for the sanction of Govt. In cases of assignments already ~~sanctioned~~ made the addition ~~[illegible]~~ to the pattas will be made ~~only if~~ provided the assignees agree.

M 18/9.

W 25/9

28.9

M 17/9/25

Desp H.W. 30/9

To the 2nd Secy to Govt

It is Not proposed to obtain the sanction of Govt as the scheme of grants to -ists was sanctioned by Govt

(N)

M 17/9/25 I would like question of Govt's right to enter on & take possession of buildings in such a case examined

W 19/9.

Sectt. II-26 (a)—36,400—27-11-23.

4

GOVERNMENT OF MADRAS

Received BOARD OF REVENUE 15 OCT. 1925 LAND REVENUE & SETTLEMENT 192   Registered B2x566 192

Abstract.

Assignment - house sites - (South Kanara) - Karkal Taluk and town - Government clerks - Pattas - additional condition - imposed.

S.O Coud

Revenue **DEPARTMENT**

G.O. No. 1591-Mis   dated 13th October 1925

READ the following papers:—

ENCLOSURES.
No.

G.O.No. 1881-Mis. Revenue, dated 19th August 1921. p 7 (N)

From the Board of Revenue, Land Revenue and Settlement, Ref. No. B. 3973/25-1, dated 29-9-25. pp 2-3 a

Order:-

The proposal of the Board of Revenue is approved.

(By order of the Governor in Council)

E.W. Legh,
Second Secretary.

To the Board of Revenue,
Land Revenue and Settlement.

Forwarded.

(By order)

Superintendent.

MVP

Subject.—

Asst. House site (S. Kanara). Karkal in a town – Govt. Clerks – Pattas – additional condition – imposed. – G.O. Cond.

FOR MEMBER

READ AGAIN B.P No. ______ dated ______ 192 .

" " " ______ , " ______ 192 .

READ ALSO :—

Register No ______ , From the B 3973/25. No. 1 cf., dated ______ 192 .

Ref B 3973/25 p 2-3 cf

B 4566/25 p 4 cf

" " ______ " " " ______ " ______ " ______ 192 .

" " ______ " " " ______ " ______ " ______ 192 .

RESOLUTION. (Ms) No. 2310, dated 22-10 1925

(The clerk is advised to use better ink & write more boldly. It's a task to read his writing)

21/10

Govt. have sanctioned the Colr's proposal in his letters read above to insert the additional condition in the pattas granted to clerks.

In the case of assignments already made the addition to the pattas should be made only if the assignees agree.

21/10

17/10

20/10

22/10/25

Assignment - house-sites (South Kanara) Karkal tk & town - Govt Orders

To Asst Secy.

Please see Secy's order at foot of draft below in the following terms:-

"I would like the question of Govt's right to enter on and take possession of buildings in such a case examined"

The provision that in the event of alienation Govt will have right to reenter and take possession of the site and building is the same as that already prescribed in the case of assessed land gr as house-site in South Ka

Under the Crown Grants Act Govt can impose any condition limiting the disposing power of the grantee and providing for resumption in the event of a violation of the condition. The question however arises whether when Govt reenter and take possession of the buildings they have not got to pay Compensation. On this point please see B.P. 2975 d/ 12-12-24 - para 1. In this B.P. on a reference from North Govt. the Board decided that Govt. were not bound to pay Compensation for improvements effected by the assignee who deliberately violated the terms of the grant as the resumption of the grant was in such cases in the nature of a penalty and no question of Compensating the assignee arose. The same view holds good in this case. There is no reference to Compensation for buildings or for improvements on land ~~either~~ in + form of patta on p. 64 of BSO Vol II in BSO 15 para 38. It is therefore unnecessary to refer to Compensation in this case also & the draft makes no reference to it.

2) The reference to the form of patta on p. 64 BSO Vol II indicated in pencil in the draft is for approval. ~~may perhaps be approved~~

M
23.9.25

Verified by G.P. & fo to be in order.

Secy

This seems in order & the draft may I submit be approved

24.9

25/9 An

I should omit this. It refers to land only.

25/9 An

28.9